



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

October 28, 2024

VIA ECF

The Honorable Kimba M. Wood
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Nkansah v. United States of America, 18-cv-10230 (KMW) (SLC)

Dear Judge Wood:

This Office represents the Government in the above-referenced action filed by Felix Nkansah (“Plaintiff”) under the Federal Tort Claims Act, 28 U.S.C. § 1346(b), *et seq.* (“FTCA”). I write to update the Court on the status of the Government’s efforts to depose nonparty Cassandra Snyder by the October 31, 2024, deadline. See Order, dated Sept. 11, 2024 (ECF No. 176) (setting a deadline of October 31 for the Government to depose Ms. Snyder).

Although the initial court-ordered deadline to depose Ms. Snyder was September 9, 2024, see Orders (ECF Nos. 164, 168), she did not appear for her deposition on September 5, see Gov. Ltr. (ECF No. 174). Accordingly, the Government requested an extension of time to October 31, 2024, so that it could reschedule the deposition. See id. On September 11, the Court granted that request. See Order (ECF No. 176).

On September 17, Plaintiff’s counsel advised the undersigned that although he does not represent Ms. Snyder, he would arrange for the rescheduling of Ms. Snyder’s deposition on her behalf. Accordingly, the Government requested a deposition date of October 21. Despite repeated inquiries, Plaintiff’s counsel never confirmed that date. Rather, on October 9, Plaintiff’s counsel emailed that Ms. Snyder had a miscarriage in mid-September and that he would be requesting an “indefinite” adjournment of her deposition. On October 24, Plaintiff’s counsel filed a letter requesting a “long” adjournment of unspecified duration based on concerns about Ms. Snyder’s “mental fitness” to be deposed. See Pl. Ltr., dated Oct. 24, 2024 (ECF No. 184).

The Government is sympathetic to Ms. Snyder’s circumstances and is amenable to a reasonable extension of the time to take her deposition. However, as the Government advised Plaintiff’s counsel, it does not consent to an indefinite extension. Plaintiff’s counsel’s speculation that Ms. Snyder’s miscarriage is attributable to the “stress” of her prospective deposition, see id., is unsupported by the medical records. Likewise, the representation that Ms. Snyder cannot attend the deposition because her therapist “Dr. Mary Kay (LCSW)” [*sic*]¹,

¹ Upon information and belief, Ms. Snyder’s therapist is Mary Kay Diakite, a social worker. She is not a medical doctor.

“hasn’t provided clearance to attend the deposition,” is vague and unsupported. See id. Upon information and belief, Ms. Snyder is currently attending nursing school while also working at Wegmans; there does not appear to be any reason why she would not be able to answer questions for a few hours at a deposition.

As the Government previously advised Plaintiff’s counsel, the Government will consent to an extension of the deadline to take Ms. Snyder’s deposition until the end of the year to give her additional time to recover from the miscarriage. However, neither Plaintiff nor Ms. Snyder has demonstrated that the circumstances warrant a longer extension.

I thank the Court for its consideration of this matter.

Respectfully,

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United States Attorney for the
Southern District of New York
Attorney for the Government

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